



Docket No. F-8591

Mail Stop PCT Legal

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koji OGATA, et al.
Serial No. : 10/524,621
Filed : March 17, 2005
For : ANTI-ALUMINA-BUILDUP REFRACTORIES
FOR CASTING NOZZLES
Group Art Unit : 1725
Examiner : UNKNOWN
Confirmation No. : 8720
Customer No. : 000028107

BY HAND DELIVERY

**ATTN: MR. RAFAEL BACARES, PCT LEGAL
EXAMINER, PCT LEGAL OFFICE**

MAIL STOP PCT LEGAL
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SECOND RENEWAL PETITION UNDER 35 U.S.C. 1.181
TO REVIVE AN UNAVOIDABLY ABANDONED
APPLICATION THROUGH NO FAULT OF THE APPLICANT**

Sir:

This is a Second Renewal Petition Under 35 U.S.C. 1.181 to Revive an Unavoidably Abandoned Application Through No Fault of the Applicant.

The Initial Petition Under 35 USC 1.181 to Revive an Unavoidable Abandoned Application Through No Fault of the Applicant was filed on May 14, 2008 and is hereinafter refined to as the Initial Petition filed May 14, 2008.

The First Renewal Petition was filed on August 7, 2008 and is hereinafter defined as the First Renewal Petition filed August 7, 2008.

Applicant acknowledges receipt of the USPTO Decision On Petition Under 37 CFR 1.181 dated October 27, 2008. This instant Second Renewal Petition is being filed in response to the aforementioned Decision on Petition dated October 27, 2008. In the aforementioned Decision on Petition dated October 27, 2008, the PCT Legal Examiner stated that Petitioner has not provided a copy of the Declaration filed on March 17, 2005 with the First Renewal Petition filed August 7, 2008 and has not included the requisite statement that applicants submit a true copy of the Declaration filed on March 17, 2005.

Attached hereto are the following:

- (A) Copy of the Declaration filed on March 17, 2005 which was the Declaration filed with the Postal Receipt Card identified in (B) below.
- (B) Copy of the U.S. Postal Receipt Card (front and back) filed with the Declaration identified in (A) above and stamped "DT03 Red'd PCT/PTO 17 March 2005" as applicable to applicant's Docket No. F-8591, Serial No. 10/524,621;
- (C) Copy of the United States Express Mail Label EV 585 006 447 US (with which the Declaration identified in (A) above and with which the U.S. Postal Receipt Card identified in (B) above were mailed) and which has a U.S. Postal Stamp dated March 17, 2005, as applicable to applicant's Docket No. F-8591 which corresponds to applicant's Serial No. 10/524,621;

Applicant's declare that the Declaration identified in (A) above is a true copy of the Declaration filed on March 17, 2005.

Applicant's declare that the U.S. Postal Card Receipt identified in (B) above is a true copy of the U.S. Postal Card Receipt mailed with the Declaration identified in (A) above and which was returned by the USPTO to applicants counsel with the USPTO stamp "DT03 Rec'd PCT/PTO March 17, 2005".

No fee is believed necessary because the abandonment did not result from any fault of the applicant as the enclosed documents prove. Therefore, this Petition is being filed Under 37 CFR 1.181. However, in the alternative, if this Petition is considered to be filed Under 37 CFR 1.137(a), and if there is any fee due, the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

Respectfully submitted,

JORDAN AND HAMBURG LLP

By Frank J. Jordan / fjj
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

FJJ/cj
Enc. Copies of (A), (B), and (C) identified above.

F-8591



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koji OGATA, et al.
Serial No. : 10/524,621
For : ANTI-ALUMINA-BUILDUP REFRACTORIES
FOR CASTING NOZZLES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF DECLARATION

Sir:

The application was filed without a declaration and the declaration is submitted herewith. Please charge the \$130.00 government fee for late filing of the declaration to Deposit Account 10-1250. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,

Jordan and Hamburg LLP

By 

Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

Express Mail mailing label No. EV 585006447 US
Date of Deposit: March 17, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Evelis Otero

(A)



DECLARATION OF POWER OF ATTORNEY
特許出願宣言書及び委任状

Japanese Language Declaration
日本語宣言書

Docket No. F-8591

As a below named inventor, I hereby declare that:
下記指名発明者として、私は以下の通り宣言します。

My residence, post office address and citizenship are as stated next to my name.
私の住所、郵便の宛先、国籍は下記の私の氏名の後に記載された通りです。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

下記の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者(下記の氏名が一つの場合)もしくは最初かつ共同発明者(下記の名称が複数の場合)であると信じます。

ANTI-ALUMINA-BUILDUP REFRACTORIES FOR CASTING NOZZLES

the specification of which is attached hereto unless the following box is checked
上記発明の明細書(右に x 印がついていない場合は、本書に添付)は、 ☒

was filed on:

右の日付で August 19, 2003

as United States Application Number or PCT International Application Number

下記米国出願番号または特許協定条約国際出願番号として提出され、

PCT/JP2003/010474

and was amended on (if applicable):

(該当する場合)右の日付に補正されました。 _____

A

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、特許請求範囲を含む上記明細書、及び該当する場合は上記補正を確認し、内容を理解していることをここに表明します。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

私は、連邦規則法典第 37 編 第 1 条 56 項に定義されるとおり、特許資格の有無について関連ある情報を開示する義務があることを認めます。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

私は、米国法典第 35 編 119 条 (a) - (d) 項又は 365 条 (b) 項に基づき下記の、米国以外の国の少なくとも一カ国を指定している特許協力条約 365 (a) 項に基づく国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を、以下に枠内をマークすることで、示しています。

Prior Foreign Application(s)

外国での先行出願

Priority Not Claimed

優先権主張なし

<u>2002-239940</u>	<u>Japan</u>	<u>20 August 2002</u>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	
(番号)	(国名)	(出願年月日)	
<u> </u>	<u> </u>	<u> </u>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	
(番号)	(国名)	(出願年月日)	
<u> </u>	<u> </u>	<u> </u>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	
(番号)	(国名)	(出願年月日)	

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

私は、米国法典第 35 編 119 条 (e) 項に基づいて、下記の米国特許出願規定に記載された権利をここに主張いたします。

(Application No.)

(出願番号)

(Filing Date)

(出願日)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of the application.

私は、米国法典第 35 編 120 条又は特許協力条約 365 条(c)に基づいて、下記の米国特許出願又は米国を指定している PCT 国際出願に基づく権利をここに主張します。又、本出願の各請求範囲の内容で、米国法典第 35 編 112 条第 1 項で規定された方法で、先行する米国特許出願又は PCT 国際出願に開示されないものに関して、連邦規則法典第 37 編 1 条 56 項で定義された特許資格の有無に関連する情報の、その先行米国出願提出日から本出願の日本国内提出日または PCT 国際出願提出日までの期間中に公開されたものについて、開示義務があることを認識します。

(Application No.)

(出願番号)

(Filing Date)

(出願日)

(Status: Patented/Pending /Abandoned)

(現況: 特許許可済、係属中、放棄済)

(Application No.)

(出願番号)

(Filing Date)

(出願日)

(Status: Patented/Pending /Abandoned)

(現況: 特許許可済、係属中、放棄済)

(Application No.)

(出願番号)

(Filing Date)

(出願日)

(Status: Patented/Pending /Abandoned)

(現況: 特許許可済、係属中、放棄済)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on Information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 in the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

私は、自身の知識に基づいて、本宣言書中で行う表明が真実であり、かつ私の入手した情報と私の信じるところに基づく弁明が全て真実であると信じること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第 18 編第 1001 条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行えば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣言致します。

POWER OF ATTORNEY:

委任状

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number)
私は指名発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁護士または代理人として、下記の者を指名いたします。(弁護士、または代理人の氏名及び登録番号を明記のこと)

Frank J. Jordan	Reg. No. 20,456
C. Bruce Hamburg	Reg. No. 22,389
Herbert F. Ruschmann	Reg. No. 35,341
Jacqueline M. Steady	Reg. No. 44,354
Lawrence Wechsler	Reg. No. 36,049
Marvin Turken	Reg. No. 18,330
Alfred D'Andrea	Reg. No. 27,752

Send Correspondence to:

書類送付先

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168

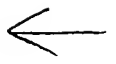
Direct Telephone Calls to: (name and phone number)

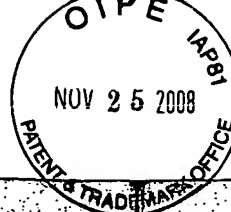
電話連絡先 (名前及び電話番号)

Frank J. Jordan
(212) 986-2340

唯一または第一発明者 Full name of sole or first inventor Koji OGATA	
発明者署名 / 日付 Inventor's signature / Date <i>Koji Ogata</i> <i>March 1, 2005</i>	
住所 Residence Kitakyushu-shi, Japan	
国籍 Citizenship Japan	
郵便の宛先 Post Office Address	c/o KROSAKIHARIMA CORPORATION 1-1, Higashihama-machi, Yahatanishi-ku Kitakyushu-shi, Fukuoka, 806-8586, Japan

第二共同発明者氏名 (該当する場合) Full name of second joint inventor, if any Donald Bruce HOOVER
第二発明者署名 / 日付 Second inventor's signature / Date Donald B. Hoover March 3, 2005
住所 Residence York, PA 17403, U.S.A.
国籍 Citizenship US
郵便の宛先 Post Office Address Hillock Lane 1710 York, PA 17403, U.S.A.





EV 585006447 US

Customer Copy
Label 11-F, April 2004



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)				DELIVERY (POSTAL USE ONLY)			
PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day	Postage	Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Date Accepted	Scheduled Date of Delivery	Return Receipt Fee	Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Mo. Day Year	Month Day Year	\$	Mo. Day Year	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM	Scheduled Time of Delivery	COG Fee	Delivery Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
	<input type="checkbox"/> Noon <input type="checkbox"/> 4 PM	\$	Mo. Day Year				
Flat Rate <input type="checkbox"/> or Weight	Midday	Total Postage & Fees					
		\$					
Int'l Alpha Country Code	Int'l Alpha Country Code	Int'l Alpha Country Code					
CUSTOMER USE ONLY							
METHOD OF PAYMENT: <input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER							
George H. & Company Acct. No. 100-24							
FROM: (PLEASE PRINT) PHONE: 212-966-2340				TO: (PLEASE PRINT)			
JORDAN E. HAMBURG, LLP 122 E 42ND ST RM 1000 NEW YORK NY 10168-0059				MAIL STOP PC COMMISSIONER FOR PARENTS PO BOX 1450 ALEXANDRIA VA 22313-1450			
F-8592 / F-8591 / F-8590							
FOR PICKUP OR TRACKING: Visit WWW.USPS.COM or Call 1-800-222-1811							



(B)



Docket No. F-8591

Serial No. 10524,621

CBH ☐

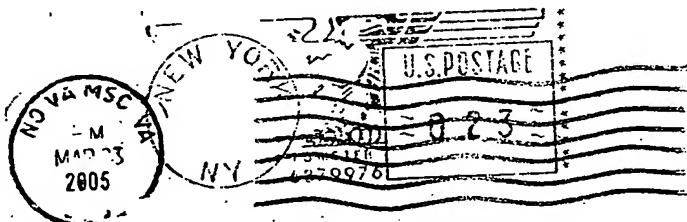
FJJ ☒

The date stamp of the Patent Office hereon may be considered as the date on which papers indicated below were received.

New Application	<input type="checkbox"/>	Dec./Power of Att.	<input checked="" type="checkbox"/>
RCE	<input type="checkbox"/>	Assignment	<input type="checkbox"/>
Supplemental Amendment	<input type="checkbox"/>	Priority Document	<input type="checkbox"/>
Preliminary Amendment	<input type="checkbox"/>	IDS/IDC	<input type="checkbox"/>
English Translation App.	<input type="checkbox"/>	Notice of Appeal	<input type="checkbox"/>
Marked Specification	<input type="checkbox"/>	Appeal Brief	<input type="checkbox"/>
Substitute Specification	<input type="checkbox"/>	Issue Fee	<input type="checkbox"/>
Letter to Draftsman/Drawings	<input type="checkbox"/>	Statement of Use	<input type="checkbox"/>
Resp. to O.A.	<input type="checkbox"/>	Section 8 and	<input type="checkbox"/>

Date of Doc. being mailed: 3/17/05
(Patent Office. Please stamp and return to addressee on reverse side.)

DT03 Rec'd PCT/PTO 17 MAR 2005



JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
NEW YORK, NEW YORK 10168



(C)